

APR 10 2006 1:32PM
TO: USPTO

ZILKA-KOTAB, PC

RECEIVED
CENTRAL FAX CENTER

NO. 2509 P. 1

APR 10 2006

ZILKA-KOTAB

PC
ZILKA, KOTAB & FEECE™

100 PARK CENTER PLAZA, SUITE 300
SAN JOSE, CA 95113

TELEPHONE (408) 971-2573
FAX (408) 971-4660

FAX COVER SHEET

| | | |
|---------------------------|--------------|----------------|
| Date: April 10, 2006 | Phone Number | Fax Number |
| To: Examiner Leynna A. Ha | | (571) 273-8300 |
| From: Kevin J. Zilka | | |

Docket No.: NAI1P345/01.239.01

App. No: 10/068,280

Total Number of Pages Being Transmitted, Including Cover Sheet: 05

Message:

Please deliver to Examiner Ha.

Thank you,

Kevin J. Zilka

☐ Original to follow Via Regular Mail ☒ Original will Not be Sent ☐ Original will follow Via Overnight Courier

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (if long distance, please call collect) and return the original message to us at the above address via the U.S. Postal Service. Thank you.

IF YOU DO NOT RECEIVE ALL PAGES OR IF YOU ENCOUNTER
ANY OTHER DIFFICULTY, PLEASE PHONE Erica
AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

April 10, 2006

APR 10 2006 1:33PM

ZILKA-KOTAB, PC

RECEIVED
CENTRAL FAX CENTER

NO. 2509 P. 2

APR 10 2006

Practitioner's Docket No. NAI1P345

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mark J. McArdle et al.

Application No.: 10/068,280

Group No.: 2135

Filed: February 4, 2002

Examiner: Ha, L.

For: INTRUSTION PREVENTION FOR ACTIVE NETWORKED APPLICATIONS

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed November 15, 2005, for a second time rejecting claims 1-51.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. § 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

— deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

— with sufficient postage as first class mail.

37 C.F.R. § 1.10*

— as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

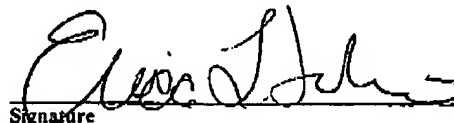
TRANSMISSION

✓ facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Date:

4/10/2006

Signature



Erica L. Farlow

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board—page 1 of 2

APR. 10. 2006 1:33PM

ZILKA-KOTAB, PC

RECEIVED
CENTRAL FAX CENTER

NO. 2509 P. 3

APR 10 2006

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Appeal Brief is:

Other than a small entity \$500.00

Notice of Appeal fee due \$500.00

3. EXTENSION OF TERM

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for two months:

Fee \$450.00

If an additional extension of time is required, please consider this a petition therefor.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$500.00

Extension fee \$450.00

TOTAL FEE DUE \$950.00

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$950.00 to Deposit Account No. 50-1351 (Order No. NAI1P345).

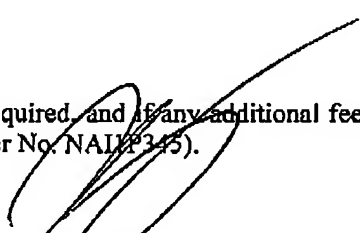
Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NAI1P345).

Reg. No.: 41,429
Tel. No.: 408-971-2573
Customer No.: 28875



Signature of Practitioner
Kevin J. Zilka
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA

Notice of Appeal from the Primary Examiner to Board--page 2 of 2